

## **II. REMARKS**

### **A. Introductory Remarks**

Reconsideration and allowance of this application is requested. Claims 8-19 are pending in this application. Claims 1-7 were previously canceled. Applicants, however, reserve the right to file a continuation or divisional application on the subject matter of any of the canceled claims. Claims 8 and 14 are currently amended. No new matter has been introduced by any of the amendments.

### **B. The Presently Claimed Invention Is Not A CMP Composition**

The Examiner again rejected claims 8-19 as obvious over U.S. 5,858,813 (“Scherber”) and U.S. 6,569,349 (“Wang”). It is clear that both Scherber and Wang are CMP processes, unlike the presently claimed invention. The claims have been amended to clarify that the etch residue removal and TiW etching is not a CMP process by claiming compositions that do not include the optional abrasive component disclosed in paragraph 68 of the specification. In particular, the specification states that “[o]ther ingredients *can be included* as necessary...such ingredients include...abrasives....” *See Application* paragraph 68 (emphasis added). Such optional ingredients can likewise not be included, as Applicants have specified in the claims.

The Examiner certainly understands that abrasives are essential elements of both Scherber and Wang. Scherber states in the second line of the Summary of Invention that “[t]he polishing slurry includes an aqueous medium, *an abrasive*, an oxidizing agent, and organic acid.” *See Scherber* (emphasis added). Indeed, the CMP process of Scherber cannot be practiced without an abrasive to form the polishing slurry. Thereby, Scherber teaches away from compositions that do not contain an abrasive. Moreover, Scherber never discloses removing an etching residue with the CMP compositions therein and for that reason, the claims were patentable over Scherber even prior to amendment. Similarly, Wang is to a method and composition for *planarizing* a substrate, not for removing an etching residue using a composition containing periodic acid. In contrast to the planarization of Scherber and Wang, claims 8 and 14 are to etch metal and remove etching residue. As one of skill in the art fully knows and appreciates, planarization methods are very different from removing etching residues. The

former removes excess material that had been deposited on a surface to "planarize" – or flatten -- the surface. The latter removes residues that result from etching a substrate, not planarization.

**C. Conclusion**

Since Scherber teaches away from using abrasive-free compositions, it is improper to combine Scherber with Wang to the extent Wang is abrasive-free. Both Scherber and Wang are to a totally different method and process using different chemistries than amended claims 8 and 14. Accordingly, Applicants request reconsideration of the claims and allowance of claims 8 and 14. Additionally, it is axiomatic that if independent amended claims 8 and 14 are allowable over Scherber and Wang, dependent claims 9-13 and 15-18 that depend from claims 8 and 14 respectively are also allowable.

In view of the amendments and arguments presented above, all claims are now thought to be in condition for allowance, an indication of which is solicited. In the event that any issues remain outstanding, Applicants would appreciate the courtesy of a telephone call to the undersigned counsel to resolve such issues in an expeditious manner so as to place this application in condition for allowance.

No fees are believed to be due. However, if any additional fees are determined to be due, the Commissioner is hereby authorized to charge these fees to the Morgan, Lewis & Bockius Deposit Account no. 50-0310.

Respectfully submitted,

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